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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,156	05/23/2000	Lundy Lewis	C0441/7161 (TAH)	4279

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EXAMINER

COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
2183	10

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/578,156	LEWIS, LUNDY	
	Examiner	Art Unit	
	Scott M. Collins	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 May 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4-4</u>	6) <input type="checkbox"/> Other: _____

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DETAILED ACTION

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Declaration on 22 August 2000; Information Disclosure Statements on 26 September 2000, 27 December 2000, and 09 April 2001; Power of Attorney on 16 January 2002; and a Change of Address on 27 January 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20, 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis, U.S. Patent Number 5,768,501 (herein referred to as Lewis).

4. Referring to claim 1, Lewis has taught a system for providing service level management in a network, wherein a service is composed of network components and a state of the service depends on the state of the network components, the system comprising:

a. multiple monitoring agents to each monitor a respective aspect of operation of the network, each monitoring agent to detect one or more events relative to the respective aspect of operation and to generate an alarm as a function of the one or more detected events (Lewis figure 3, elements 11a-c; and column 3, lines 19-24 where each network management system is a monitoring agent monitoring events in a single respective domain and provides alarms under certain states of affairs.); and

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b. an alarm correlation agent to receive the one or more alarms from the monitoring agents to determine a state of a service and, if necessary, to issue one or more instructions to establish a desire state of the service (Lewis column 3, lines 17-30 where the multi-domain alarm manager receives all the alarms, correlates them, and responds with corrective actions (instructions).).

5. Referring to claim 2, Lewis has taught the system wherein the monitoring agents comprise:

a. a network traffic monitoring agent to monitor traffic on the network (Lewis column 7, lines 43-55 where the monitoring agent monitors network throughput and error rate.); and

b. a trouble-ticketing agent to receive reports of problems by users with respect to operation of the network (Lewis column 6, lines 46-64);

The examiner would like to point out that due to the claim language "at least one of:", Lewis has fully taught this claim.

6. Referring to claim 3, Lewis has taught the system wherein the monitoring agents and alarm correlation agents comprise reasoning agents (Lewis column 3, lines 17-30, 56-67 and figures 7-10 where the monitoring agents and alarm correlation agents work to reason together and decide on 'responses in the form of corrective actions.').

7. Referring to claim 4, Lewis has taught the system wherein the reasoning agents comprise one or more of:

- a. a state-transition graph based reasoning agent (Lewis figures 8-10); and
- b. a case-based reasoning agent (Lewis column 3, lines 56-67).

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The examiner would like to point out that due to the claim language "at least one of:", Lewis has fully taught this claim.

8. Referring to claim 5, Lewis has taught the system comprising an alarm repository to receive the one or more alarms from the monitoring agents wherein the alarm correlation agent reads the alarm in the alarm repository (Lewis figure 3, alarm notifier 31; column 5, lines 48-52; and column 8, 3-11 where the alarm notifier or database are a repository that holds the alarm from the monitoring agent until the alarm correlation agent can respond adequately to it.).

9. Claims 6-10 do not recite limitations above the claimed invention set forth in claims 1-5 and are therefore rejected for the same reasons set forth in the rejection of claims 1-5 above.

10. Claims 11 and 12 do not recite limitations above the claimed invention set forth in claims 1 and 4 respectively and are therefore rejected for the same reasons set forth in the rejection of claims 1 and 4 respectively above.

11. Claims 13-17 do not recite limitations above the claimed invention set forth in claims 1, 1 2, 4, and 4 respectively and are therefore rejected for the same reasons set forth in the rejection of claims 1, 1 2, 4, and 4 respectively above.

12. Claim 18 is rejected for the same reasons set forth in the rejection of claim 1 above and it should be noted that Lewis does indeed disclose a first and second alarm (Lewis column 3, lines 55-61).

13. Claims 19 and 20 do not recite limitations above the claimed invention set forth in the combination of claims 1 and 5 and are therefore rejected for the same reasons set forth in the rejection of claims 1 and 5 above.

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14. Claim 22 does not recite limitations above the claimed invention set forth in claim 1 and is therefore rejected for the same reasons set forth in the rejection of claim 1 above.

15. Claims 23-25 do not recite limitations above the claimed invention set forth in claims 1, 2, and 4 respectively and are therefore rejected for the same reasons set forth in the rejection of claims 1, 2, and 4 respectively above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Patent Number 5,768,501 (herein referred to as Lewis).

18. Claims 21 and 26 are rejected for the same reasons set forth in the rejection of claim 1 above. The only difference between claims 21 and 26 over claim 1 is that they claim a computer program on a computer-readable medium. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize only software and no hardware to create the invention as Lewis has claimed (see also Lewis column 5, lines 14-18 where using software is encouraged.). One of ordinary skill in the art would have been motivated to do this in order to create a product that can be easily transferred to many different systems and networks and to thus avoid utilizing more costly hardware when attempting to implement the product on various systems.

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Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thompson, Dean R. et al., U.S. Patent Number 6,012,095, have taught a network alarm notification system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 703.305.7865. The examiner can normally be reached on Mon.-Fri. 7:30 am - 5:00 pm with alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P. Chan can be reached on 703.305.9712. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

smc
May 2, 2003



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